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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,937	08/18/2003	Binh T. Nguyen	IGT1P280/P-836	4289
22434	7590	08/29/2007	EXAMINER	
BEYER WEAVER LLP			YOO, JASSON H	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			3714	
			MAIL DATE	
			DELIVERY MODE	
			08/29/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,937

Applicant(s)

NGUYEN ET AL.

Examiner

Jasson H. Yoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-61 is/are pending in the application.
- 4a) Of the above claim(s) 30-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-29 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/18/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

The omitted steps are: what is receiving an identifier, determining the identifier, determining duration of play, enabling game play, receiving a score, determining a winner, and generating data indicative of value payout. The Examiner will assume a tournament server comprising a controller including a processor and a memory receives an identifier, determines the identifier, determines duration of play, enables game play, receives a score, determines a winner, and generates data indicative of value payout (as indicated in Applicant's Specification, paragraph 10). Furthermore, Applicant has amended the claim to, "receiving an identifier from a first gaming unit selected by a player to play in a tournament." However, it is not clear if the player selects the identifier or if the player selects the first gaming unit. The Examiner will assume the player selects the first gaming unit.

Claims 2-20 are rejected under 35 U.S.C. 112, second paragraph, for similar reasons as discussed above in Claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 17-29, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker'163 (US 6,077,163) in view of Walker'486 (6,224,486).

1, 61. Walker'163 discloses a gaming method and a game apparatus system, comprising: a network server (106 in Fig. 1) receiving an identifier (cols. 4:45-49, 6:1-12) from a gaming unit (cols. 3:52-56, 5:15-21) selected by a player to play in a tournament (player selects the gaming unit if the player decides to play on the gaming unit), wherein the identifier is associated with a game card (col. 4:49-53), wherein the game card is provided to a player in response to paying a fee (Player tracking game card is associated with player credit information, cols. 3:36-39, 6:5-6); the network server determining whether the identifier received is authentic (network server verifies the player identifying information, col. 3:55-56); a processor to determine a duration the player may play the game (col. 6:36-55); the processor to enable the gaming unit for player during the duration (col. 2:3-27), wherein enabling of the first gaming unit

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comprises loading gaming software to the first gaming unit in order to configure the first gaming unit for playing (electronic gaming unit 102 loads gaming software for playing a game, cols. 3:63-4:5); a processor to determine a winner of the game generate a value payout to be awarded to the winning player (col. 4:15-25). Walker'163 further teaches the gaming method and the gaming apparatus system is used to play tournaments (col. 1:23-41), fails to specifically teach the network server is a tournament server. However, in an analogous art, Walker'486 teaches a gaming method and a gaming apparatus system, in which players participate in a tournament through input/output devices (gaming unit) connected to a central controller (tournament server) which manages the tournament (Walker'486, cols. 3:65-4, 12:40-49). Similarly to Walker'163's network server, Walker'486's tournament server (Walker'486, col. 5:16-23) receives a player's identifier (Walker'486, col. 6:33-49) from a gaming unit (Walker'486, col. 6:30-31), and authenticates the identifier (by accessing a database and determining if the player is eligible to play, Walker'486, cols. 6:38-7-20). The tournament server comprises a tournament database (Walker'486, col. 7:5-9), which keeps track of player's game data such as player's credits, payer performance data, and player preferences (Walker'486, col. 7:10-39). Furthermore, Walker'486 discloses the gaming unit loads gaming software to configure the gaming unit for playing in the tournament (Walker'486, col. 14:25-58). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 gaming method and gaming apparatus system and incorporate a tournament server in order to play in tournaments as suggested by Walker'163 (col. 1:23-41) and Walker'486 (cols. 3:65-4, 12:40-49). A

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tournament server would allow a plurality of remote gaming units to participate in the tournament, and simplify the collection of entry fees and payment of prizes, as well as allowing for rating and handicap systems (Walker 486, col. 3:65-4:4).

Walker'163 in view of Walker'486 further teaches the following:

2. A gaming method according to claim 1, wherein the identifier is printed on the tournament game card (Walker'163, col. 4:42-53; Walker'486, col. 7:15-20).

3. A gaming method according to claim 1, wherein the identifier is electronically encoded on the tournament game card (Walker'163, col. 4:42-53).

4, 22. The duration comprises an amount of time (Walker'163, col. 3:6-30).

5, 23. The duration comprises a number of games (handles pulled, Walker'163, col. 3:6-30).

6, 24. Determining the duration based on the identifier comprises retrieving the duration from storage based on the identifier (Walker'163, col. 3:6-39; and Walker'486, cols. 6:49-7:20).

7, 35. Determining the duration based on the identifier comprises decoding the identifier to determine the duration (Walker'163, cols. 3:6-39, 4:42-65; and Walker'486, cols. 6:49-7:20)..

8, 26. The duration comprises an amount of time, the method further comprising: initializing a timer with the determined amount of time; starting the timer; wherein enabling the first gaming unit comprises enabling the first gaming unit for play in the tournament while the timer is running; stopping the timer after the timer has run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55)

9, 27. Stopping the timer at a request of the player; and restarting the timer at a request of the player if the timer has not run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

10, 28. A gaming method according to claim 9, further comprising: storing an indication of a remaining amount of time for the player to play in the tournament after the timer stops; and re-initializing the timer based on the stored indication of the remaining amount of time before the timer restarts (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

11, 29. Receiving the identifier from a second gaming unit after the timer stops; determining whether the identifier received from the second gaming unit is authentic;

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wherein re-initializing the timer comprises re-initializing the timer if the identifier received from the second gaming unit is authentic; and enabling the second gaming unit for play in the tournament while the timer is running (resume play at another slot machine, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

12. A gaming method according to claim 11, wherein the timer comprises a first timer implemented by the first gaming unit and a second timer implemented by the second gaming unit; wherein initializing the timer comprises initializing the first timer; wherein enabling the first gaming unit comprises enabling the first gaming unit while the first timer is running; wherein re-initializing the timer comprises initializing the second timer; and wherein enabling the second gaming unit comprises enabling the second gaming unit for play in the tournament while the second timer is running (resume play at another slot machine, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

13. A gaming method according to claim 8, wherein the timer is implemented, at least in part, by the first gaming unit (Walker'163, 12:43-51).

14. A gaming method according to claim 8, wherein the first gaming unit is operatively coupled to the tournament game card, wherein the timer is implemented, at least in part, by the tournament game card (player tracking device is associated with player credits/flat rate remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

15. A gaming method according to claim 8, wherein the timer is implemented, at least in part, by the tournament server (database server keeps track of player credits/and flat time remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

17. A gaming method according to claim 16, wherein the gaming software comprises at least one of an executable file, a configuration file, a data file, a pay table, and a plurality of seeds for a random number generator (The central controller has software to manage the tournament, Walker'486, col. 5:32-34. An executable file, configuration file, a data file, a pay table, and plurality of seeds for a random number generator are necessary to manage a slot machine tournament.).

18. A gaming method according to claim 1, wherein the tournament game card comprises at least one of a magnetic swipe card, a smart card, a PC card, and a portable memory device (Walker'163, col. 4:43-53).

19. A gaming method according to claim 1, wherein receiving the tournament score of the player comprises receiving the tournament score of the player before the timer has stopped (Duration is based on score/winning outcomes. Thus the score is tracked before the timer has stopped, Walker'163, col. 3:6-30. Furthermore, player's performance data is received from the database, Walker'486 col. 7:21-26).

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20. A gaming method according to claim 1, wherein receiving the tournament score of the player comprises receiving the tournament score of the player after the timer has stopped (Scores are received after the end of the game player to award the winning player).

21. Walker'163 in view of Walker'486 discloses the claimed invention as discussed above. Walker'163 in view of Walker'486 specifically discloses:

A tournament server (Walker'486, col. 5:16-23), comprising:

a network interface operatively coupled to a network (Walker'163 col. 1:104; Walker'486, col. 5:16-23);

a controller operatively coupled to the network interface, the controller comprising a processor and a memory operatively coupled to the processor (102 in Fig. 1), the controller configured to:

receive, via the network interface, an identifier from a first gaming unit (Walker'163, cols. 4:45-49, 6:1-12; Walker'486, col. 6:33-49), wherein the identifier is associated with a tournament game card (Walker'163, col. 4:49-53; Walker'486, col. 7:10-39), wherein the tournament game card is provided to a player in response to paying a fee (Player tracking game card is associated with player credit information, Walker'163, cols. 3:36-39, 6:5-6; Walker'486, cols. 6:38-7-20);

determine whether the identifier received from the first gaming unit is authentic (Walker'163, col. 3:55-56; access database and determine if the player is eligible to play, Walker'486, cols. 6:38-7-20);

determine a duration the player may play in a tournament based on the identifier (Walker'163, col. 6:36-55);

enable the first gaming unit for play in the tournament for the duration if the identifier is authentic (Walker'163, col. 2:3-27);

receive a tournament score of the player (game score, Walker' 163, col. col. 4:15-25; and tournament score, Walker' 486,col. 5:64-67);

determine a winning player of the tournament, if any; and if the winning player of the tournament is determined, generate data indicative of value payout to be awarded to the winning player (Walker'163, col. 1:28-31,Walker'486, col. 6:15-18).

Response to Arguments

Applicant's arguments filed 6/18/07 have been fully considered but they are not persuasive.

Regarding claims 1-20 rejection under 35 U.S.C. § 112, Applicant has not explained how the amendments overcome the rejection. The added limitation of "a computer-implemented gaming method" in the preamble has not clarified the claim invention. Furthermore, Applicant has amended the claim to add the limitation of "selected by a player to play in a tournament". However, it is not clear if the player selects the identifier or if the player selects the first gaming unit.

Applicant argues that the Examiner has alleged that the game device for a flat play session of Walker'163 can be combined with the tournament system of Walker'486.

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However, Applicant does not provide specific arguments on why they cannot be combined.

More specifically argues that Walker'163 does not teach determining a duration a player may play in based on identifier associated with a game card. However, as noted above, Walker'163 discloses a game card associated with a player's ID number (col. 4:49-53). This ID number is associated with the player account information; such as the credit balance used to determine duration a player may play the game (cols. 5:64-6:12, Fig. 4).

Applicant further argues that Walker'486 does not teach or suggest enabling the first gaming unit for play in a tournament by at least loading gaming software to the first gaming unit in order to configure the first unit to player in the tournament. However, as discussed above, electronic gaming unit 102 loads gaming software for playing a game, (Walker'163 cols. 3:63-4:5). Furthermore, Walker'486 specifically discloses the gaming unit loads tournament game software (col. 14:25-58).

Regarding claim 61, arguments on how the new added claim overcomes the prior art has not been provided.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY


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TC 3700